IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL.

Writ Petition No. 454 (S/S) of 2007

Satyapal Singh S/o Late Hari Singh
Posted as Peon in the Office of Sub Registrar, Laksar
Now attached to Office of Sub Registrar Roorkee II
District Haridwar ------Petitioner

Versus

1. State of Uttarakhand through Principal Secretary Finance Civil Secretariat, Subhas Road, Dehradun
2. District Registrar/ Additional District Magistrate Haridwar, District – Haridwar
3. Superintendent of Police, Vigilance Establishment Uttarakhand, Dehradun

------ Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri H.C. Bisht, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner has challenged the order dated 11.08.2006 by which the petitioner was placed under suspension.

The facts of the case are that the petitioner was appointed on 12.12.2000 on the post of peon in the office of District Registrar, Haridwar. On 01.01.2003 he was transferred to the office of Sub Registrar, Laksar, he was apprehended by the Vigilance Department taking bribe of Rs. 4000/- on 01.08.2006. Consequently, the petitioner was placed under suspension. On 06.10.2006, the petitioner was granted bail. On 09.10.2006, the petitioner submitted a representation to Sub Registrar, Laksar

about the release of the petitioner and, consequently, requested to permit him to join. This representation was made by the petitioner under Rule 4 (3) (b) of Uttaranchal Government Servant (Discipline & Appeal) Rules, 2003.

Learned counsel for the petitioner has submitted that an Inquiry officer was appointed and a departmental inquiry was also initiated against the petitioner and, in fact, the Inquiry Officer has already submitted report to the Disciplinary Authority, which is in favour of the petitioner by exonerating the petitioner from the charges levelled against him. Learned counsel for the petitioner has further submitted that in spite of the fact that Inquiry Officer has concluded the inquiry and has submitted the report in favour of the petitioner and further that the application was moved by the petitioner under Rule 4 (3) (b) of Uttaranchal Government Servant (Discipline & Appeal) Rules, 2003 on 09.10.2006, the respondents have not taken any decision on the representation of the petitioner.

Learned Standing Counsel, on the other hand, has pointed out that the respondents have already passed an order on 01.11.2006 on the representation of the petitioner dated 09.10.2006, which has not been challenged by the petitioner.

I have perused the aforesaid order passed on the application moved under Rule 4 (3) (b) of Uttaranchal Government Servant (Discipline & Appeal) Rules, 2003. While deciding the representation moved under aforesaid clause, the competent authority should pass appropriate order continuing the deemed suspension or revoking the suspension order or modifying it. Neither the suspension order has been revoked nor modified nor it

was directed to continue. Consequently, I deem it fit and proper to direct respondent no. 2 to pass fresh order in accordance with law under Rule 4 (3) (b) of Uttaranchal Government Servant (Discipline & Appeal) Rules, 2003 within ten days from the date of production of a certified copy of this order. While passing the order on the representation of the petitioner, the respondents shall also consider the inquiry report submitted by the Inquiry Officer, if same has already been submitted.

With the above direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

02.05.2007
VKS